

MICAH RAY KILGORE, #755456	§	
VS.	§	CIVIL ACTION NO. 6:12cv461
MICHAEL S. STEPHENSON, ET AL.	§	

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That is improper. *Edwards v. Balisok*, 520 U.S. 641, 648, 117 S. Ct. 1584, 137 L. Ed. 2d 906 (1997); *Clarke v. Stalder*, 154 F.3d 186, 189 (5th Cir. 1998), *cert. denied*, 525 U.S. 1151, 119 S. Ct. 1052, 143 L. Ed. 2d 58 (1999). Plaintiff's objections do not otherwise contradict the Report and Recommendation. It is noted that he contends the Report and Recommendation refers to a "Lt. Como" when he did not state such a name in the complaint. A close reading of the complaint reveals that Plaintiff at one point wrote "the Lt. came," in a semi-cursive handwriting, Complaint at PageID #4, which was mistakenly interpreted as a proper name, Como. That is inconsequential.

The Court has conducted a careful *de novo* review of the pleadings in this case, the Report of the Magistrate Judge, the Plaintiff's objections thereto, and all other documents, and records in the case. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that Plaintiff's objections are **OVERRULED** and the Report of the Magistrate Judge is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil case be and hereby is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that any and all other motions that may be pending in this civil action are hereby **DENIED**. Finally, it is

ORDERED that the Clerk shall provide a copy of this opinion to the Administrator of the Three-Strikes List for the Eastern District of Texas.

So ORDERED and SIGNED this 22nd day of August, 2012.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE